

Filed for intro on 04/12/95  
House Bill \_\_\_\_\_  
By \_\_\_\_\_

Senate No. SB1868  
By Koella

AN ACT to amend the Charter of the City of Townsend, Tennessee, being Chapter 463 of the Private Acts of 1941, as amended by Chapter 672 of the Private Acts of 1951, Chapter 78 of the Private Acts of 1975, Chapter 355 of the Private Acts of 1982, and all other acts amendatory thereto, and to provide, by way of referendum election, for the alteration of the boundaries of the City of Townsend, Tennessee.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 463 of the Private Acts of 1941, as amended by Chapter 672 of the Private Acts of 1951, Chapter 78 of the Private Acts of 1975, Chapter 355 of the Private Acts of 1982, and all other acts amendatory thereto, is amended to read in its entirety as follows:

#### CHARTER of THE CITY OF TOWNSEND, TENNESSEE

##### ARTICLE I

101. Establishment and Incorporation of City of Townsend, Tennessee. - There is hereby established, and incorporated, the City of Townsend, Tennessee which shall henceforth

be governed by this charter and by the laws of the State of Tennessee and the Constitution of the State of Tennessee.

102. Boundaries. - Upon adoption of this charter as provided in Article IX, the boundaries of the City of Townsend are as provided, described and set out in Exhibit A to this charter which is attached hereto and made a part hereof by specific reference as if same had been set out in the body of this charter.

103. Prior Charters. - Upon adoption of this charter as provided in Article IX, all previous charters of the City of Townsend, Tennessee are hereby repealed, abrogated, and surrendered and this charter shall from the date of adoption, henceforth be the Charter of the City of Townsend, Tennessee.

## ARTICLE II

### POWERS

101. General power to enact ordinances. - The City of Townsend shall have the power by ordinance to:

- (1) Contract and be contracted with;
- (2) Incur debts by borrowing money or otherwise, and give any appropriate evidence thereof, in the manner hereinafter provided;
- (3) Issue and give, sell, pledge, or in any manner dispose of, negotiable or nonnegotiable interest-bearing or non-interest bearing bonds, warrants, promissory notes or orders of the city, upon the credit of the city or solely upon the credit of specific property owned by the city, or solely upon the credit of income derived from any property used in connection with any public utility owned or operated by the city, or solely upon the credit of the proceeds of special assessments for local improvements, or upon any two (2) or more such credits;
- (4) Expend the money of the city for all lawful purposes;

(5) Acquire or receive and hold, maintain, improve, sell, lease, mortgage, pledge, or otherwise dispose of property, real or personal, any estate or interest therein, within or without the city or state;

(6) Condemn property, real or personal, or any easement, interest, or estate of use therein, either within or without the city, for present or future public use; such condemnation to be made and effected in accordance with the terms and provisions of Tennessee Code Annotated, Title 29, Chapter 16, or in other manner as may be provided by general law;

(7) Take and hold property within or without the city or state upon trust and to administer trusts for the public benefit;

(8) Acquire, construct, own, operate and maintain, or sell, lease, mortgage, pledge, or otherwise dispose of public utilities or any estate or interest therein, or any other utility of service to the city, its inhabitants, or any part thereof;

(9) Grant to any person, firm, association, or corporation franchises for public utilities and public services to be furnished the city and those therein. Such power to grant franchises shall embrace the power hereby expressly conferred, to grant exclusive franchises, and whenever an exclusive franchise is granted, it shall be exclusive not only as against any other person, firm, association, or corporation, but also as against the city itself. Franchises may be granted for the period of twenty-five (25) years or less, but no longer. The council may prescribe in each grant of franchise, the rate, fares, charges, and regulations that may be made by the grantee of the franchise. Franchises may by their terms apply to the territory within the corporate limits of the city at the date of the franchises, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys, and other thoroughfares that thereafter may be opened;

(10) Make contracts with any person, firm, association or corporation, for public utilities and public services to be furnished the city and those therein. Such power to make contracts shall embrace the power, expressly conferred, to make exclusive contracts; and when

an exclusive contract is entered into, it shall be exclusive not only against any other person, firm, association or corporation, but also as against the city itself. Such contracts may be entered into for the period of twenty-five (25) years or less, but not longer. The city council may prescribe in each such contract entered into, the rates, fares, charges, and regulations that may be made by the person, firm, association, or corporation with whom the contract is made. Such contracts may by their terms apply to the territory within the corporate limits of the city at the date of the contract, and as the corporate limits thereafter may be enlarged; and to the then existing streets, alleys and thoroughfares and to any other streets, alleys and other thoroughfares that thereafter may be opened;

(11) Prescribe reasonable regulations regarding the construction, maintenance, equipment, operation and service of public utilities and compel, from time to time, reasonable extensions for facilities for such services, but nothing herein shall be construed to permit the alteration or impairment of any of the terms or provisions of any exclusive franchise granted or of any exclusive contract entered into under subdivisions (9) and (10);

(12) Establish, open, relocate, vacate, alter, widen, extend, grade, improve, repair, construct, reconstruct, maintain, light, sprinkle, and clean public highways, streets, boulevards, parkways, sidewalks, alleys, parks, public grounds, and squares, wharves, bridges, viaducts, subways, tunnels, sewers and drains within or without the corporate limits and regulate the use thereof within the corporate limits, and property may be taken and appropriated therefor under the provisions of Tennessee Code Annotated, Sections 7-31-107 through 7-31-111, Section 29-16-114, or in such other manner as may be provided by general laws;

(13) Construct, improve, reconstruct and re-improve by opening, extending, widening, grading, curbing, guttering, paving, graveling, macadamizing, draining, or otherwise improving any streets, highways, avenues, alleys or other public places within the corporate limits, and assess a portion of the cost of such streets, highways or alleys under and as provided by Tennessee Code Annotated, Title 7, Chapters 32 and 33;

(14) Acquire, purchase, provide for, construct, regulate, and maintain and do all things relating to all marketplaces, public buildings, bridges, sewers, and other structures, works and improvements;

(15) Collect and dispose of drainage, sewage, ashes, garbage, refuse or other waste, or license and regulate such collection and disposal, and the cost of such collection, regulation or disposal may be funded by taxation or special assessment to the property owner;

(16) Provide and maintain charitable, educational, recreative, curative, corrective, detentive, or penal institutions, departments, functions, facilities, instrumentalities, conveniences and services;

(17) Purchase or construct, maintain and establish a workhouse or farm colony, for the confinement and detention of any person convicted in the city court of offenses against the laws and ordinances of the city who fails to secure the fine and costs imposed upon such person, or to contract with the county to keep such persons in the workhouse of the county and to provide by that contract and by ordinance for the commitment of such persons to the workhouse so provided, until such fine and costs shall be fully paid;

(18) Enforce any ordinance, rule or regulation by fines, forfeitures and penalties, and by other actions or proceedings in any court of competent jurisdiction. No fine may exceed fifty dollars (\$50.00) for any one (1) offense;

(19) Establish schools, determine the necessary boards, officers and teachers required therefor, and fix their compensation, purchase or otherwise acquire land for schoolhouses, playgrounds and other purposes connected with the schools; purchase or erect all necessary buildings and do all other acts necessary to establish, maintain and operate a complete educational system within the city;

(20) Call elections as hereinafter provided; and

(21) Have and exercise all powers under state law which now or hereafter it would be competent for this charter specifically to enumerate, as fully and completely as though such powers were specifically enumerated herein.

102. School systems. - The city may establish, erect, and maintain public schools, and may assess and levy taxes for such purpose.

103. Purchasing and contract procedures. - (a) The city council shall be responsible for all city purchasing, but the city council may delegate the duty to make purchases to any subordinate appointed by the city council.

(b) Competitive prices for all purchases and public improvements shall be obtained whenever practicable and in accordance with regulations established by ordinance, and the purchase made from or the contract awarded to the lowest and best bidder; provided, that the city may reject any and all bids.

(c) Formal sealed bids shall be obtained in all transactions involving the expenditure of an amount to be set by ordinance. The amount set shall be equal to or greater than the amount set in Tennessee Code Annotated, Title 6, Chapter 56, Part 3, but may not be greater than ten thousand dollars (\$10,000.00). The transaction shall be evidenced by written contract. In cases in which the council indicates by unanimous resolution of those present at the meeting, based upon the written recommendation of the council, that it is clearly to the advantage of the city not to contract with competitive bidding, it may authorize noncompetitive contracts.

(d) The city council may reject all bids and authorize the making of public improvements or accomplishment of any other city work by any city department.

(e) Purchasing and contract procedures not prescribed by this charter or other law may be established by ordinance.

104. Retirement benefits. - The city council may provide for the retirement of the city's full-time non-elective officers and employees and make available to them any group, life,

hospital, health, or accident insurance, either independently of, or as a supplement to, any retirement or other employee benefits otherwise provided by law.

### ARTICLE III

#### COUNCILMEN AND MAYOR

##### PART ONE - ELECTION OF COUNCILMEN

101. Number and terms of councilmen.

(a) There shall be seven (7) councilmen elected at large. The sitting council shall appoint one (1) of their own to serve as mayor. The mayoral appointment shall continue for two (2) years until the next seated council shall first meet after each biennial election at which time the new city council shall appoint the mayor for the succeeding two (2) year term.

(b) The terms of the councilmen shall be for staggered four (4) year terms. However, to obtain staggered terms, at the first election, the four (4) receiving the highest number of votes shall hold office for four (4) years, and the other three (3) shall hold office for two (2) years. The terms of all councilmen thereafter elected shall be for four (4) years, or until their successors are elected and qualified.

102. Date of elections. - (a) The first election of councilmen shall be had on the fourth Tuesday following the election at which the provisions of this charter have been adopted. The city council shall fix the date of all subsequent elections; provided, that any date so designated shall fall within ninety (90) days of the annual anniversary of the first election of the council.

(b)(1) In addition to the authority granted by subsection (a), the city council may, by an ordinance approved by an affirmative two-thirds (2/3) vote of its membership, fix the date of subsequent regular municipal elections as the date of the regular November election as defined in Tennessee Code Annotated, Section 2-1-104.

(2)(A) During the transition period, if a term expires six (6) months or less before a regular November election, the council may by ordinance extend the length of the term of an incumbent to coincide with the next regular November election.

(B) During the transition period, if a term expires more than six (6) months before a regular November election, the council shall fix the date of the election as long as any date so designated falls within ninety (90) days of the annual election anniversary of the first election of the council. In such election, the term of office shall be a transitional one, which shall extend only until the next regular November election which occurs more than three (3) years after such scheduled election.

(C) After the transitional period, all terms of office for members of the council shall be four (4) years.

(D) Nothing in this subsection shall be construed to remove any incumbent from office or abridge the term of any incumbent prior to the end of the term for which such incumbent was elected.

103. Persons eligible as councilmen. - Any qualified voter of the city shall be eligible for election to the office of councilman.

104. Disqualification from office. - No person shall become councilman who has been convicted of malfeasance in office, bribery, or other corrupt practice as such is defined under law, or, of violating any of the provisions of Tennessee Code Annotated, Section 6-20-108, in reference to elections. Any councilman so convicted shall forfeit such office.

105. Calling elections. -- The city council has the power by ordinance to direct the calling by the county election commission of municipal elections, including all elections respecting bond issues.

106. Qualifications of voters. - (a) In any election of councilmen under this Charter, registered voters of the city may vote. Any person who otherwise meets all other requirements of voters under state law and who is either a resident of the municipality or a registered voter



who resides outside the boundaries of the city, but who owns at least eight thousand square feet (8,000 sq. ft.) of real property located within the boundaries of the city, shall be entitled to vote in all municipal elections and municipal referenda held in the city; provided, that in any case of multiple ownership of such real property, the nonresident voter must own at least one-half (1/2) undivided interest of such property or as tenants by the entirety.

107. Declaration of results. - The Blount County Election Commission shall determine and declare the results of the election. The requisite number of candidates receiving the highest number of votes shall be declared elected.

108. Beginning of terms of office. - The terms of all councilmen shall begin at the beginning of the first regularly scheduled meeting of the council following the date of their election.

109. Vacancies. Any vacancy in the council shall be filled by appointment by the remaining members thereof, for that period of the unexpired term, which occurs prior to a regular city election at which time the remainder of the term shall be filled by the election; provided, that no member shall be appointed under this section at any time when the council already has one (1) member so appointed, but, in case of any additional vacancy, the council shall forthwith, by ordinance or resolution, call upon the county election commission to call a special election for the purpose of filling such additional vacancy.

## PART TWO - POWERS AND DUTIES OF COUNCIL

201. Election of mayor. - Absence or disability of mayor. - (a)(1) The councilmen, at the first regular meeting after each biennial election, shall elect one (1) of their number mayor for a term of two (2) years, and, thus organized, the body shall be known as the council.

(b) During the absence or disability of the mayor, the vice mayor shall assume the mayor's duties.

202. Appointment of vice mayor. At the first meeting of the council, and thereafter at the first meeting after a general city election, the council shall choose from its membership a member to act in the absence, inability, or failure to act of the mayor.

203. Duties of vice mayor. - Such member shall act as mayor during any temporary absence, inability, or failure to act of the mayor, and whenever a vacancy occurs in the office of mayor, such member shall become mayor and hold office as such for the unexpired term.

204. Powers of council - Conflict of interest. (a) The legislative and all other powers except as otherwise provided by this charter are delegated to and vested in the city council. The council may by ordinance or resolution not inconsistent with this charter prescribe the manner in which any powers of the city shall be exercised, provide all means necessary or proper therefor, and do all things needful within or without the city or state to protect the rights of the city.

(b)(1) Any councilman who is also an employee of the municipality may vote on matters in which such member has a conflict of interest if the member informs the council immediately prior to the vote as follows: "Because I am an employee of Townsend, I have a conflict of interest in the proposal about to be voted. However, I declare that my argument and my vote answer only to conscience and to my obligation to constituents and the citizens this body represents."

(2) In the event a councilman has a conflict of interest in a matter to be voted upon by the body, the councilman may abstain for cause by announcing such to the presiding officer. Any councilman, who abstains from voting for cause on any issue coming to a vote before the body, shall not be counted for the purpose of determining a majority vote.

(3) The vote of any councilman having a conflict of interest who does not inform the council of such conflict as provided in subdivision (b)(1) shall be void if challenged in a timely manner. As used in this subdivision, "timely manner" means during the same meeting at which the vote was cast and prior to the transaction of any further business by the council.

(4) Nothing in this subsection shall be construed as altering, amending or otherwise affecting the provisions of Tennessee Code Annotated, Section 12-4-101(a). In the event of any conflict between this subsection and Tennessee Code Annotated, Section 12-4-101(a), the provisions of Section 12-4-101(a) shall prevail.

206. Exercise of council's powers. The city council shall exercise its powers in session duly assembled, and no member or group of members thereof shall exercise or attempt to exercise the power conferred upon the council except through proceedings adopted at some regular or special session.

207. Regular meetings. - The council shall by ordinance fix the time and place at which the regular meetings of the council shall be held, and, until otherwise provided by ordinance, the regular meetings of the council shall be held at seven o'clock p.m. (7:00 p.m.) on the third Thursday of each month.

208. Special meetings. - Whenever, in the opinion of the mayor, city council or of any two (2) councilmen the welfare of the city demands it, the mayor or the recorder may call special meetings of the council upon at least twelve (12) hours written notice to each councilman, the city recorder, and city attorney, served personally or left at such person's usual place of residence. Each call for a special meeting shall set forth the character of the business to be discussed at such meeting and no other business shall be considered at such meeting. Public notice of the time, place, and purpose must be given as provided under state law.

209. Mayor presiding. - The mayor shall preside at all meetings of the council.

210. Quorum. - A majority of all the members of the council constitutes a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of the absentees in such manner and under such penalties as the council may provide.

211. Council sessions public. - All sessions of the council shall be public and subject to change of plan in case of emergency.

212. Powers of Mayor. - The mayor shall preside at all meetings of the council and perform such other duties consistent with the mayor's office as may be imposed by it, and the mayor shall have a seat, a voice and a vote, but no veto. The mayor shall sign the journal of the council and all ordinances on their final passage, execute all deeds, bonds, and contracts made in the name of the city, and the mayor may introduce ordinances in the council.

213. Style of ordinances. All ordinances shall begin, "Be it ordained by the city of Townsend as follows:"

214. Ordinance procedure. (a) Every ordinance shall be read two (2) different days in open session before its adoption, and not less than one (1) week shall elapse between first and second readings, and any ordinance not so read shall be null and void. The council may read only the caption of an ordinance, instead of the entire ordinance, on both readings. Copies of such ordinances shall be available during regular business hours at the office of the city recorder and during sessions in which the ordinance has its first and second readings.

(b) An ordinance shall not take effect until fifteen (15) days after the first passage thereof, except in case of an emergency ordinance. An emergency ordinance may become effective upon the day of its final passage; provided, that it shall contain the statement that an emergency exists and shall specify with distinctness the facts and reasons constituting such an emergency.

(c) The unanimous vote of all members of the council present shall be required to pass an emergency ordinance.

(d) No ordinance making a grant, renewal, or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility shall ever be passed as an emergency ordinance. No ordinance shall be amended except by a new ordinance.

215. Voting by council. In all cases, the vote shall be determined by yeas and nays, and the names of the members voting for or against an ordinance shall be entered upon the journal.

216. Recording of ordinances. Every ordinance shall be immediately taken charge of by the recorder and by the recorder be numbered, copied in an ordinance book, filed and preserved in the city recorder's office.

217. Publication of ordinances - Effective date. (a) Each ordinance, or the caption of each ordinance, shall be published after its final passage in a newspaper of general circulation in the city.

(b) No such ordinance shall take effect until the ordinance, or its caption, is published except as otherwise provided in Tennessee Code Annotated, Title 6, Chapter 54, Part 5.

218. Mayoral duties required by ordinance. The mayor has the power and it is hereby made the mayor's duty to perform all acts that may be required of the mayor by any ordinance duly enacted by the council, not in conflict with any of the provisions of this charter.

219. Removal of officers. (a) The mayor or any councilman may be removed from office by the council, for grave misconduct showing unfitness for public duty, or for permanent disability, by a majority vote of the other members of the council voting for such removal. The proceedings for such removal shall be upon specific charges in writing which, with a notice stating the time and place of the hearing, shall be served on the accused or published at least three (3) times on three (3) successive days in a daily newspaper circulating in the city.

(b) The hearing shall be public and the accused shall have the right to appear and defend in person or by counsel and have process of the council to compels the attendance of witnesses in the accused's behalf. Such vote shall be determined by yeas or nays, and the names of the members voting for or against such removal shall be entered in the journal.

(c) Immediately upon the vote for removal, the term of the accused shall expire and the accused's official status, power and authority shall cease without further action.

(d) Anyone removed hereunder shall have the right of appeal.

## ARTICLE IV

### OFFICERS AND EMPLOYEES

#### PART ONE - GENERAL PROVISIONS

101. Oath of office. Every officer, agent, and employee holding a position upon an annual salary shall, before entering upon such person's duties, take and subscribe and file with the recorders an oath or affirmation that such person has all the qualifications named in this charter for the office or employment such person is about to assume that such person will support the constitutions of the United States and of this state and the charter and ordinances of the city and will faithfully discharge the duties of the office or employment.

102. Surety bond. The city recorder and every officer, agent, and employee having duties embracing the receipt, disbursement, custody, or handling of money shall, before entering upon these duties, execute a fidelity bond with some surety company authorized to do business in the state of Tennessee, as surety (except that bonds for five hundred dollars (\$500.00) or less may be given with personal surety), in such amount as shall be prescribed in this charter. All such bonds and sureties thereto shall be subject to the approval of the council. The cost of making these bonds is to be paid by the city.

103. Additional bond. If, at any time, it appears to the mayor, city council, or recorder that the surety or sureties on any official bond are insufficient, the officer or employee shall be required to give additional bond, and if such officer or employee fails to give additional bond within twenty (20) days after being notified, the officer or employee's office shall be vacant.

104. Political activities of officers and employees - Neither the city recorder, city judge, chief of police nor any person in the employ of the city, under any of such officers, shall take any active part in or contribute any money toward the nomination or election of any candidate

for election to the council, except to answer such questions as may be put to them and as they may desire to answer.

## PART TWO - CITY ATTORNEY

201. Qualifications. The city attorney shall be an attorney at law entitled to practice in the courts of the state.

202. Duties and compensation. - The city attorney shall:

- (1) Direct the management of all litigation in which the city is a party, including the functions of prosecuting attorney in the city courts;
- (2) Represent the city in all legal matters and proceedings in which the city is a party or interested, or in which any of its officers are officially interested;
- (3) Attend any meetings of the council when required by the council;
- (4) Advise the council and committees or members thereof, and the heads of all departments and divisions, as to all legal questions affecting the city's interest; and
- (5) Approve as to form all contracts, deeds, bonds, ordinances, resolutions and other documents to be signed in the name of or made by or with the city.
- (6) The city attorney shall receive a salary to be fixed by the council.

## PART THREE - DEPARTMENTS GENERALLY

301. Departments of city. That the work and affairs of the city may be classified and arranged conveniently and conducted efficiently, the city council may establish the following departments:

- (1) Department of education;
- (2) Department of finance;
- (3) Department of public safety; and
- (4) Department of public works and welfare.

or such other departments, as from time to time the city council may deem necessary as which may be allowed under state law.

302. Creation and control of departments by council. The council may by ordinance create new departments or combine or abolish existing departments and prescribe their duties and functions, but before doing so must receive the written recommendations of the city council.

303. Supervision of departments by council. The city council shall supervise and control all departments now or hereafter created, except as otherwise provided by this charter.

#### PART FOUR - CITY RECORDER

401. City recorder - Appointment. The city council shall appoint a city recorder, who also may be appointed to the positions of finance director or treasurer or both.

402. Recorder pro tempore. In the event of the temporary absence or disability of the recorder, the city council may appoint a recorder pro tempore.

403. Functions at council meeting. It is the duty of the recorder to be present at all meetings of the council, and to keep a full and accurate record of all business transacted by the same, to be preserved in permanent book form.

404. Custody of official records. The recorder shall have custody of, and preserve in the recorder's office, the city seal, the public records, original rolls of ordinance, ordinance books, minutes of the council, contracts, bonds, title deed, certificates, and papers, all official indemnity or security bonds (except the recorder's bond, which shall be in the custody of the mayor), and all other bonds, oaths and affirmations, and all other records, papers, and documents not required by this charter or by ordinance to be deposited elsewhere, and register them by numbers, dates, and contents, and keep an accurate and modern index thereof.

405. Copies of records and ordinances. The recorder shall provide, and when required by any officer or person certify, copies of records, papers, and documents, in the recorder's office, and charge therefor, for the use of the city, such fees as may be provided by ordinance, cause copies of ordinances to be printed, as may be directed by the council, and keep them in the recorder's office for distribution.

#### PART FIVE - CITY COURT



501. City judges - Jurisdiction - Appointment - Qualifications and compensation - Elections - Temporary replacement. (a) There shall be a city court presided over by a city judge. The city judge shall have jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the city. The council may appoint a city judge who shall serve at the will of the council. The city judge shall have such qualifications and receive such compensation as the council may provide by ordinance. Whenever the office of city judge is not filled by the appointment of some other person, the recorder shall be the city judge.

(b) There shall be a city court presided over by a city judge. The city judge shall have jurisdiction in and over all cases for the violation of and all cases arising under the laws and ordinances of the city. In addition, the city judge shall be vested with concurrent jurisdiction and authority with courts of general sessions of the county, as set forth in Tennessee Code Annotated, Title 40, in all cases of the violation of the criminal laws of the state of Tennessee within the limits of such municipality.

502. Power to enforce ordinances. (a) The city judge shall have the power and authority granted under state law and this charter including, but not limited to, the power and authority to:

(1) Impose fines, costs, and forfeitures, and punish by fine for violation of city ordinances;

(2) Preserve and enforce order in such city judge's court;

(3) Enforce the collection of all such fines, costs, and forfeitures imposed by such city judge; and

(b) The city judge may remit, with or without condition, fines and costs imposed for violation of any ordinance or charter provision.

503. Docket. - The city judge shall keep, or cause to be kept, a court docket or dockets embodying complete detailed records of all cases handled by the city judge.

504. Arrest warrant. (a) Only one (1) warrant shall be issued for the same offense, the warrant to embrace all of the parties charged with the same offense.

(b) No arrest shall be made except upon a warrant duly issued, unless the offense is committed in the presence of the officer making the arrest, or unless in a case of felony.

(c) The affidavit upon which the warrant is issued shall especially state the offense charged.

505. Disposition of fines and labor. (a) All fines imposed by the city judge for violations of city ordinances shall belong to and be paid into the treasury of the city.

(b) Any labor performed in the execution of a workhouse or prison sentence for such violation or violations shall be performed for the city under the direction of the city council.

506. Collection of fines and cost. (a) The city judge in all cases heard or determined by such city judge for offenses against the corporate laws and ordinances shall tax in the bill of costs the same amounts and for the same items allowed in courts of general sessions for similar work in state cases, and in addition shall add thereto one dollar (\$1.00), as a tax on the same. The city judge shall certify to the chief of police for collection, all fines, costs, and forfeitures imposed by the city judge for offenses against the laws and ordinances of the city. Costs in favor of any person paid a fixed salary by the city shall belong to the city and be paid into its treasury. It is the duty of the city judge to collect and receipt for all fines imposed by the city judge and the city judge shall render a monthly report to the council of all costs and fines collected and of all assessed and uncollected.

(b) It is unlawful for another person or officer to collect or receipt for such fines, costs, and recoveries, but the city judge may authorize the chief of police to collect and receipt for fines and costs.

(c) A copy of any judgment shall be certified by the city recorder and may be filed in the register of deeds office for Blount County.

507. Appeal from city judge's judgment. Any person dissatisfied with the judgment of the city judge in any case or cases heard and determined by the city judge, may, within ten (10) entire days thereafter, Sundays exclusive, appeal to the next circuit court of the county, upon

giving bond with good and sufficient security as approved by the city judge for such person's appearance or the faithful prosecution of the appeal; provided, that in prosecutions for violations of the city ordinances, the bond shall not exceed two hundred fifty dollars (\$250.00).

#### PART SIX - POLICE

601. Appointment. - The city council may appoint a chief of police and such patrol officers and other members of the police force as may be provided by ordinance.

602. Duties. - It is the duty of the chief of police and the members of the police force to :

- (1) Preserve order in the city;
- (2) Protect the inhabitants and property owners therein from violence, crime, and all criminal acts;
- (3) Prevent the commission of crime, violations of law and of the city ordinances; and
- (4) Perform general police duty, execute and return all processes, notices, and orders of the mayor, city council, city attorney, and recorder, and all other processes, notices, and orders as in this charter or by ordinances may be provided.

603. Emergency assistance to police. In time of riot or other emergency, the mayor or city council shall have power to summon any number of inhabitants to assist the police force.

604. Duties in prosecution of violations. Members of the police force, whenever necessary for the purpose of enforcing the ordinances of the city, shall procure the issuance of warrants, serve the same, and appear in the city courts as prosecutors, relieving complaining citizens insofar as practical of the burden of instituting cases involving the violation of city ordinances; but this section shall not be construed to relieve any person from the duty of appearing in court and testifying in any case.

#### PART SEVEN - FIRE DEPARTMENT

701. Appointment. - The city council may appoint a chief of the fire department and such other members of the department as may be provided by ordinance.

702. Duties. - It is the duty of the chief of the fire department and the members thereof to take all proper steps for fire prevention and suppression.

703. Emergency powers. - (a) When any fire department or company recognized as duly constituted by the commissioner of commerce and insurance pursuant to Tennessee Code Annotated, Section 68-102-108, is requested to respond to a fire, service call, or other emergency, it may, regardless of where the emergency exists, proceed, to the emergency site by the most direct route at the maximum speed consistent with safety. While responding to, operating at, or returning from such emergency the chief of the responding fire department or company, or any member serving in the capacity of fire officer-in-charge, shall also have the authority to:

- (1) Control and direct the activities at the scene of the emergency;
- (2) Order any person or persons to leave any building or place in the vicinity of such scene for the purpose of protecting such person(s) from injury;
- (3) Blockade any public highway, street or private right-of-way temporarily while at such scene;
- (4) Trespass at any time of the day or night without liability while at such scene;
- (5) Enter any building or premises, including private dwellings, where a fire is in progress, or where there is reasonable cause to believe a fire is in progress, for the purpose of extinguishing the fire;
- (6) Enter any building or premises, including private dwellings, near the scene of the fire for the purpose of protecting the building or premises, or for the purpose of extinguishing the fire which is in progress in another building or premises;
- (7) Inspect for preplanning all buildings, structures, or other places in the chief's fire district, except the interior of a private dwelling, where any combustible material, including waste paper, rags, shavings, waste, leather, rubber, crates, boxes, barrels, rubbish, or other combustible material that is or may become dangerous as a fire menace to such buildings,

structures, or other places has been allowed to accumulate, or where such chief or the chief's designated representative has reason to believe that such combustible material has accumulated or is likely to accumulate;

(8) Direct without liability the removal or destruction of any fence, house, motor vehicle, or other thing, if such person deems such action necessary to prevent the further spread of the fire;

(9) Request and be furnished with additional materials or special equipment at the expense of the owner of the property on which the emergency occurs, if deemed necessary to prevent the further spread of the fire or hazardous condition; and

(10) Order disengagement or dis耦lement of any convoy, caravan, or train of vehicles, craft, or railway cars, if deemed necessary in the interest of safety of persons or property.

(b) When any fire department or company responds to any emergency outside its fire district, however, it shall at all times be subject to the control of the fire chief or designated representative in whose district the emergency occurs.

704. Fire marshal. - The city council may appoint a fire marshal whose duty shall be, subject to the chief of the fire department, to investigate the cause, origin, and circumstances of fires and the loss occasioned thereby, and assist in the prevention of arson.

## PART EIGHT - SCHOOLS

801. Authority of city council. - The city council has full power to manage and control city schools.

802. Officers and employees. - The city council may appoint, prescribe the duties and powers of, and fix the salary of the superintendent of schools of the city and appoint, fix the salaries of, and have power to remove, all other officers and all teachers, agents, and employees of the department of education.

803. Building plans. - All plans for the erection or improvement of school buildings or other buildings used for educational purposes shall be subject to the approval of the city council.

804. Equipment and supplies. - All materials, supplies, and equipment for educational purposes shall be purchased by the city council.

805. State and county school funds. - In apportioning the state and county school funds of the county, the county council of education (or other apportioning and disbursing body) shall apportion and pay over to the treasurer of the city such portion of the state and county school funds as by law is applicable to the schools within the limits of the city.

806. Disbursements from school fund. - The council shall provide by ordinance for the manner in which the state, county, and city taxes apportioned to the school fund shall be paid over by the city treasurer.

807. Board of education - Election - Powers. - (a) The provisions of Tennessee Code Annotated, Sections 6-21-801 and 6-21-802 notwithstanding, the council, by ordinance, may delegate the power to manage and control the city public schools to an elected board of education.

(b) The board of education shall have the same number of members as the council and shall be elected on the same day and in the same manner as the council.

(c) The board shall exercise the power otherwise granted to the city council in this part.

## ARTICLE V

### FISCAL AFFAIRS

#### PLANNING

101. Appointment and duties of treasurer. - (a) The city council shall appoint a treasurer.

(b) It is the duty of the treasurer to collect, receive and receipt for the taxes and all other revenue (and bonds) of the city and the proceeds of its bond issues, and to disburse the same.

(c) The city council may appoint the recorder as treasurer.

102. Depositories of city funds. (a) Depositories of the city funds shall be designated by ordinance, and the council shall require such security for city deposits as it deems necessary; provided, that such security shall not be less than that required for state deposits pursuant to Tennessee Code Annotated, Title 9, Chapter 4, Part 1.

(b) Notwithstanding any provisions of this section or any other law to the contrary, the city may, without requiring security from the depository, deposit its funds in any bank or savings and loan association whose deposits are insured by an agency of the federal government to the extent of the insurance coverage provided by such agency.

103. Fiscal year. The fiscal year of the city shall begin on July 1, unless otherwise provided by ordinance. The mayor shall, on or before May 15 of each year, submit to the council an estimate of the expenditures and revenue of the city for the ensuing fiscal year.

104. Annual operating budget - Publication - Budgetary comparison. (a) The city council shall publish the annual operating budget and budgetary comparisons of the proposed budget with the prior year (actual) and the current year (estimated), which information shall include the following:

(1) Revenues and expenditures for the following governmental funds: general, streets/public works, general purpose school and debt service;

(2) Revenues for each fund shall be listed separately by local taxes, state of Tennessee, federal government and other sources;

(3) Expenditures for each fund shall be listed separately by salaries and other costs;

(4) Beginning and ending fund balances shall be shown for each fund; and

(5) The number of full-time equivalent employee positions shall be shown for each fund.

(b) The publication shall be in a newspaper of general circulation in the city and shall be published not less than ten (10) days prior to the meeting where the city council will consider final passage of the budget.

ARTICLE VI  
PLANNING AND ZONING

101. Planning and zoning. Planning jurisdiction for the City of Townsend shall be under the regional planning authority of the Blount County Planning Commission.

ARTICLE VII  
HEALTH AND WELFARE

101. Aircraft and Helicopter. (a) It shall be unlawful for the pilot or operator of an aircraft of any type to take off from or land in any place in the city other than an airport without first having obtained written permission from the chief of police. This section shall not apply to aircraft operated by law enforcement agencies of the city, state or federal government or any political subdivision thereof.

(b) It shall be unlawful for any person to operate an aircraft or helicopter below the following altitude:

(1) An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.

(2) Over the corporate limits of the city, an altitude of one thousand (1,000) feet above the highest obstacle within a horizontal radius of two thousand (2,000) feet of the aircraft.

102. Excessive noise generally. It shall be unlawful for any person to make, continue or cause to be made or continued any loud or unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of others, within the limits of the city.

103. Prohibited noises. (a) It is hereby declared that loud, disturbing and unnecessary noises are in violation of this article. Between the hours of 11:00 p.m. and 9:00 a.m. there shall not be allowed, by any person, any noise in excess of 85 decibels. During the period between 9:00 a.m. and 11:00 p.m. there shall not be allowed any noise over the level of 100 decibels.



(b) Construction or repair of buildings; street excavations. Excepted from the noise restrictions shall be the erection, including excavation, demolition, alteration or repair of any building in any residential district or other section, or the excavation of streets and highways in any residential district or other section, other than between the hours of 7:00 a.m. and 6:00 p.m. on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the mayor or city council, which may be granted for a period not to exceed thirty (30) days while the emergency continues. If the mayor or city council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways within the hours of 6:00 p.m. and 7:00 a.m., and the mayor or city council shall further determine that loss or inconvenience would result to any party in interest, the mayor or city council may grant permission for such work to be done within the hours of 6:00 a.m. and 7:00 p.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(c) Measurement of Noise. For purposes of this ordinance, the sound level shall be measured at any boundary line of a parcel from whence the noise is emanating and such measurement shall be at a height above ground of five (5) feet. A parcel shall be defined as a tax parcel as set out on the most recent tax map in the Blount County property assessor's office.

104. Unnecessary sounding of horn or violation of the city's noise ordinance. Any person who shall sound any horn or signal device on any automobile, motorcycle, bus or other vehicle, except as a danger or warning signal when and as required by the ordinances of the city and the statutes of the state, or in violation of the noise ordinance shall be guilty of a misdemeanor and punished in the manner and to the extent provided for violation of municipal ordinances under the Tennessee Code Annotated and said provisions of the Tennessee Code Annotated are incorporated herein by specific reference.

## ARTICLE VIII

### OFFENSES

101. Vagrancy. - No person shall willfully loaf, loiter, idle, lounge, swing or promenade in or near or in front of any public place of business, worship or other public place or other place or activity inviting patronage or in, on or near any public street, highway, bridge, sidewalk or other public thoroughfare or public place in such a manner as to obstruct or impede the normal or free use, by any other person of such public place or in such a manner as to inordinately obstruct or impede or unreasonably prohibit the free exercise of commercial trade or other lawful activity in, on or near any such public place. Anyone convicted of violating this section shall be guilty of a misdemeanor.

## ARTICLE IX

### ELECTION TO ADOPT CHARTER AND EXPAND BOUNDARIES

101. Election to Adopt Charter. Articles I through VIII of this charter shall become effective after an election held by the Blount County Election Commission and included on the ballot at a special election. The petition shall state in a sufficient manner the boundaries of the proposed municipal corporation as such boundaries are set out in Exhibit A hereto. All voters who would be qualified to vote under this charter shall be deemed to be qualified to vote on the adoption of this charter. The Blount County Election Commission shall, in addition to all other notices required by law, publish one (1) notice of the election in the newspaper of general circulation within the territory of the proposed boundaries of the city and post the notice in at least ten (10) places in said territory prior to the election. Said election shall be held no less than sixty (60) days nor more than one hundred twenty (120) days from the date of passage of this act.

102. Registration of Voters - Qualifications to Vote - Certification of Results. (a) The Blount County Election Commission shall use such methods authorized by Tennessee Code Annotated, Title 2, as it judges necessary to facilitate registration before the election.

(b) All registered voters of the city are eligible to vote in the election. Qualifications for voting are further defined to include all persons who would be qualified to vote in Townsend municipal elections if this charter were adopted.

(c) The Blount County Election Commission shall tally the votes of the voters within the original charter city limits and shall separately tally the votes of those in the area included in the boundaries described herein.

(d) The Blount County Election Commission shall determine and declare the results of the election and shall certify the results within forty-eight (48) hours after it completes its duties under Tennessee Code Annotated, Section 2-8-105(3). It shall publish the certificate in a newspaper of general circulation in the city and shall file the certificate with the existing legislative body of the city at its first meeting after the certification. The certificate shall be entered at large on the minutes of the body with which it is so filed.

103. Effect of Favorable Vote. If it is thereupon found that the majority of the votes cast are in favor of the adoption of this charter, then it shall be deemed to have been adopted and the corporate boundaries of Townsend shall be as set forth herein.

104. Succession to Old Corporation. (a) Upon such adoption, this charter shall take effect immediately after the election and organization of the first city council provided for herein and thereupon the existing charter of the City of Townsend shall immediately become abrogated and null. The right, title and ownership of all property of the city and all of its uncollected taxes, dues, claims, judgments and shows as an action, in all of its rights of every kind whatsoever shall immediately become vested in the corporation so chartered. The new corporation shall answer and be liable for all debts, contracts and obligations of the corporation which it succeeds

in the same manner and proportion into the same extent as the former corporation was liable under existing laws.

(b) Upon adoption of this charter, the zoning ordinance duly enacted and enforced in Blount County shall apply to the entirety of the boundaries of the City of Townsend until and unless the city duly enacts any zoning ordinance at some time in the future.

105. Surrender of Charter. (a) Following adoption of this charter and the election of the councilmen, a majority of whom are elected for a period of four (4) years as herein provided, no election for the surrender of this charter shall be called or held for a period of four (4) years from the date the first city councilmen shall take their respective offices under this charter.

106. The provisions of this article shall take effect upon becoming a law, the public welfare requiring it. The remaining provisions of this act shall not take effect unless approved by a majority of those voting in the referendum election required by this article.

107. Expansion of Boundaries. The referendum election procedure provided herein shall be deemed to meet the general law of the state with regard to the alteration of municipal boundaries.

“EXHIBIT A”

TOWNSEND CITY LIMIT DESCRIPTION

From the Tax Maps of Record in the Blount County Court House as of February 6, 1995. A copy of which is attached.

Beginning on at a point on the north side of Little River five feet east of the north east corner of Wilsons' Bridge. Thence south crossing the Little River and Highway 321 to a point in the south right of way of Highway 321 being the north west corner of parcel 12 of CLT MAP 95. Thence continuing along the west line of parcel 12 to south west corner of parcel 12. Thence continuing along south line of parcel 12 to the south west corner of parcel 18 continuing along the south line of 18 to its intersection with Old Tuckaleechee Road. Thence in a south easterly direction to the south west corner of parcel 15.01 CLT MAP 95. Thence in south easterly direction to the south west corner of 18.02 of CLT MAP 95. Thence in a south west direction to the corner of Big Valley Campgrounds also being the south west corner of parcel 16. Thence along the south line of parcel 16 to a point in the north line of Big Valley Campgrounds continuing along the north line of Big Valley Campgrounds to its intersection with the south right of way of Highway 321. Thence in a south east direction continuing along the south right of way of Highway 321 to the north west corner of parcel 129 CLT MAP 96. Thence south east continuing along the south line of parcel 129 and crossing onto CLT MAP 96 to a point in the south east corner of parcel 129. Thence going north along parcel 129 to the south west corner of parcel 127. Thence east with the south line of parcel 127 to a point in line of parcel 125 all being CLT MAP 96. Thence south along the west line of parcel 125 to north side of Old Tuckaleechee Road. Thence east along north side of Old Tuckaleechee Road to a point in the south east corner of parcel 125 CLT MAP 96. Thence in a north direction with the line of parcel 125 to the south west corner of parcel 122. Thence south east along the south line of parcel 122 to a point in line parcel 114 CLT MAP 96. Thence north along the west line of parcel 114 to the south west corner of parcel 106. Thence east along the south line of parcel 106 to a point in the west line of parcel 109. Thence south

with the west line of parcel 109 to the north west corner of parcel 112. Thence east along the north line of parcel 112 to a point being the north east corner of parcel 112. Thence south along the east line of parcel 112 CLT MAP 96 to the north east corner of parcel 112.01. Thence south with the east line of parcel 112.01 to the north side of Old Tuckaleechee Road. Thence in an east direction to the south west corner of parcel 111. Thence north with the west line of 111 to the north west corner of parcel 111. Thence east along the north line of parcel 111 and the south line of parcel 109 to the south east corner of parcel 109. Thence north along the east line of parcel 109 to the south west corner of parcel 93. Thence east along the south line of parcel 93 to a point in the north line of parcel 85 CLT MAP 96. Thence in a south west direction in line with parcel 85 to a point being the north west corner of parcel 85 and south east along the south east line of parcel 88 to a point in the north side of Old Tuckaleechee Road. Thence north east with the north side of Old Tuckaleechee Road to a point being the intersection of the north side of Old Tuckaleechee Road the south west side of Highway 321 right of way. Thence south crossing Old Tuckaleechee Road to the north west corner of parcel 167 CLT MAP 96.

Thence L45 N 02' 19' 19' W 126.46 to an iron pin

Thence L45 N 05' 37' 08' W 470.11 to an iron pin

Thence L45 N 10' 02' 42' E 693.31 to an iron pin

Thence L44 N 07' 02' 24' E 95.90 to an iron pin

Thence L43 N 49' 16' 25' W 41.89 to an iron pin

Thence L42 N 49' 37' 08' W 99.59 to an iron pin

Thence L41 N 26' 34' 50' W 93.84 to an iron pin

Thence L40 N 23' 08' 32' W 111.91 to an iron pin

Thence L39 N 22' 07' 50' W 245.55 to an iron pin

Thence L39 N 23' 55' 54' W 288.07 to an iron pin

Thence L38 N 21' 38' 20' W 80.90 to an iron pin

Thence L37 N 24' 51' 41' W 170.46 to an iron pin

Thence L36 N 22' 12' 02' W 148.35 to an iron pin  
Thence L36 N 24' 20' 28' W 359.12 to an iron pin  
Thence L35 N 21' 55' 13' W 66.61 to an iron pin  
Thence L34 N 01' 21' 43' E 104.39 to an iron pin  
Thence L34 N 69' 56' 43' W 740.44 to an iron pin  
Thence L34 S 05' 58' 43' W 325.08 to an iron pin  
Thence L33 S 02' 55' 17' W 144.51 to an iron pin  
Thence L32 S 02' 19' 14' E 17.70 to an iron pin  
Thence L32 S 02' 24' 01' W 340.54 to an iron pin  
Thence L31 S 05' 57' 40' W 138.76 to an iron pin  
Thence L30 S 03' 02' 25' W 30.55 to an iron pin  
Thence L29 S 02' 56' 31' W 54.01 to an iron pin  
Thence L28 S 02' 50' 54' W 37.40 to an iron pin  
Thence L28 S 04' 48' 47' W 389.96 to an iron pin  
Thence L27 S 04' 48' 21' W 218.04 to an iron pin  
Thence L26 S 03' 59' 10' E 106.84 to an iron pin  
Thence L25 S 04' 03' 18' E 82.28 to an iron pin  
Thence L24 S 10' 17' 36' W 241.05 to an iron pin  
Thence L24 N 41' 14' 35' W 479.50 to an iron pin  
Thence L24 N 40' 50' 37' W 430.43 to an iron pin  
Thence L24 N 11' 58' 17' E 298.81 to an iron pin  
Thence L23 N 12' 24' 07' E 127.33 to an iron pin  
Thence L22 N 00' 23' 30' W 222.96 to an iron pin  
Thence L22 N 21' 16' 21' W 313.67 to an iron pin  
Thence L22 N 37' 00' 15' W 555.13 to an iron pin  
Thence L47 S 83' 27' 45' W 105.71 to an iron pin

Thence L47 N 42' 25' 16' W 440.76 to an iron pin  
Thence L21 N 68' 54' 04' W 108.43 to an iron pin  
Thence L20 S 87' 01' 15' W 124.42 to an iron pin  
Thence L19 S 52' 08' 07' W 117.62 to an iron pin  
Thence L18 S 66' 49' 10' W 73.67 to an iron pin  
Thence L17 N 81' 42' 40' W 263.80 to an iron pin  
Thence L16 N 71' 44' 54' W 114.79 to an iron pin  
Thence L15 S 20' 21' 42' W 125.95 to an iron pin  
Thence L14 S 20' 21' 42' W 210.93 to an iron pin  
Thence L13 S 08' 49' 05' E 140.03 to an iron pin  
Thence L12 S 08' 49' 05' E 52.72 to an iron pin  
Thence L11 S 14' 20' 30' E 76.79 to an iron pin  
Thence L10 S 08' 29' 09' E 209.04 to an iron pin  
Thence L9 S 29' 48' 13' E 107.80 to an iron pin  
Thence L8 S 73' 26' 09' W 66.12 to an iron pin  
Thence L7 S 46' 35' 22' W 193.96 to an iron pin  
Thence L7 S 45' 20' 19' W 316.70 to an iron pin  
Thence L7 S 53'05'09"W 459.36 to an iron pin  
Thence L6 S 48' 10' 29' W 168.42 to an iron pin  
Thence L5 S 67' 45' 38' E 53.40 to an iron pin  
Thence L5 S 10' 54' 30' E 679.27 to an iron pin  
Thence L5 S 82' 43' 39' W 957.40 to an iron pin  
Thence L4 S 18' 44' 03' W 159.34 to an iron pin  
Thence L4 S 73' 55' 27' W 629.66 to a stone at fence corner. Being the south west corner of  
parcel 189. Thence east along the south line of parcel 189 to the south east corner of parcel  
189. Thence in a north direction with the east line of parcel 189 to the south west corner of



parcel 190.02. Thence east along the south line of parcel 190.02 to the south west corner of parcel 192. Thence continuing north on the west line of parcel 192 to north west corner of parcel 192. Thence east along the north line to a point in Myers Road. Thence in an easterly direction along the north line of the parcel 192 to west side of Myers Road. Thence east across Myers Road to the east side of Myers Road. Thence in a southerly direction along the east side line of Myers Road to the north west corner of parcel 205 CLT MAP 96. Thence along the northern line of parcel 205 to the south east corner of parcel 198. Thence in a straight line in an easterly direction to the north west corner of parcel 203. Thence east continuing along the north line of parcel 203 to a point in line of parcel 202. Thence in a north east direction with parcel 202 to its intersection with Bethel Church Road. Thence east across Bethel Church Road and onto CLT MAP 97 to the south west corner of parcel 106 CLT MAP 97. Thence in an easterly direction with the south line of parcel 106 to south east corner of parcel 106. Thence in a southern direction with the west line of parcel 105 to the south west corner of parcel 105. Thence east with the south line of 105 to the south east corner of parcel 105. Thence in a south easterly direction with parcel 86 to the south west corner of parcel 86. Thence east along the south line of parcel 86 to the south east corner of parcel 86. Thence north along the east line of parcel 86 to the south west corner of parcel 84.01. Thence east along the south line of parcel 84.01 CLT MAP 97 to the south east corner of parcel 84.01. Thence in a northerly direction with the east line of parcel 84.01 to the north east corner of said parcel. Thence along the south line of parcel 83 to the south east corner of parcel 83. Thence in an easterly direction with line of parcel 79 to a point in the north east corner of parcel 81. Thence continuing south with parcel 79 to the south west corner of parcel 79. Thence east with the south line of 79 continuing across Tom Henry Road to the south west corner of parcel 75. Thence east along south line of parcel 75 to the south east corner of parcel 75. Thence north with the east line of parcel 75 to south west corner of parcel 71. Thence continuing east on the south line of parcels 71, 70, 69, 68 and 67 to the south east corner of parcel 67 at its intersection with the right of way of Highway 73. Thence

south with said right of way to the north east corner of parcel 124. Thence west with the north line of parcel 124 to the north west corner of parcel 124. Thence south with the west line of parcel 124 to the south west corner of parcel 124 also being the north east corner of parcel 123.04 CLT MAP 97. Thence south with said parcel to its intersection with the north west corner of parcel 123.06. Thence east along the boundary of 123.06., Thence in a southerly direction to the north west corner of parcel 123.01. Thence in a south east direction along the line of 123.01 to the north east corner of parcel 123.01. Thence south west with the east line of 123.01 to the south east corner of parcel 123.01 and in a line with parcel 127. Thence continuing along the south line of parcel 123.01 in a south westerly direction to the south west corner of parcel 123.01. Thence in a southerly direction with the west line of parcel 127 to the south west corner of parcel 127. Thence in an east direction with the south line of parcel 127 to the south east corner of parcel 127. Thence continuing east along the south line of parcel 126.05 to the right of way of Highway 73. Thence south continuing along the right of way of Highway 73 to its intersection with Smoky Mountain National Park. Thence following the line Smoky Mountain National Park crossing Highway 73 continuing in a south east direction with Smoky Mountain National Park to its intersection with the south east corner of parcel 133. Thence following Smoky Mountain National Park and the line of 133 in a north east direction to the north east corner of parcel 133 CLT MAP 97. Thence west along the north line of parcel 133 to its intersection with the east bank of Little River. Thence continuing down stream with the east bank of Little River to a point located five feet east of the north east corner of Wears Valley Bridge over Little River. Thence south along the east right of way of Wears Valley Road to a point across from the intersection of north side of Old Highway 73 Easement with the west right of way of Wears Valley Road. Thence crossing Wears Valley Road to a point in the north right of way of Old Highway 73 Easement. Thence in a north west direction to the north line of Old Highway 73 Easement to a point in the south east corner of parcel 63.01. Thence in a north east direction with the line of 63.01 and 63.05 to the south bank of Little River. Thence

continuing north west along the south bank of Little River to the south east corner of parcel 62. Thence in a south west direction with the north west lines of parcel 63.02 and 63.07 to a point in line of parcel 64 CLT MAP 96. Thence in a south easterly direction with the west line of parcel 63.07 to its intersection with the north side of Old Highway 73 Easement. Thence in a westerly direction with north side of Old Highway 73 Easement to the south west corner of parcel 64. Thence in a north west direction with the west line of parcel 64 continuing across to the north bank of Little River. Thence continuing with the north bank of Little River in a westerly direction to the point beginning.

AN ACT to amend the Charter of the City of Townsend, Tennessee, being Chapter 463 of the Private Acts of 1941, as amended by Chapter 672 of the Private Acts of 1951, Chapter 78 of the Private Acts of 1975, Chapter 355 of the Private Acts of 1982, and all other acts amendatory thereto, and to provide, by way of referendum election, for the alteration of the boundaries of the City of Townsend, Tennessee.

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